

# COMMISSIONERS COURT MINUTES

Regular Meeting on September 27, 2010

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RONNIE DUESTERHEFT County Judge  
NINA S. SELLS County Clerk

JOHN P. CYRIER Commissioner Pct 1  
CHARLES BULLOCK Commissioner Pct 2  
NETO MADRIGAL Commissioner Pct 3  
JOE IVAN ROLAND Commissioner Pct 4

## Call to order.

The meeting was called to order at 9:00 A.M. County Judge Duesterheft began the meeting with a moment of silence in remembrance of Gilbert McHaney, Caldwell County Unit Road employee, who passed away this past week.

## A-1

### Approve Minutes of Previous Meeting.

Motion made by Commissioner Bullock, seconded by Commissioner Madrigal, to approve the minutes of the Regular meeting on September 10, 2010. Motion carried unanimously.

## A-2

**Citizens' Comment: (At This Time Any Person With Business Before the Commissioners Court, Not Scheduled On The Agenda, May Speak To The Commissioners Court. Comments Will Be Limited to Three (3) To Five (5) Minutes Per Person.**

Nancy McDonald of the Clean Air Force of Central Texas informed Commissioners Court that the E P A will announce their new air standards after the November election.

## A-3

### Approve the Caldwell County Reports

#### A. Bank Reconciliation reports for months ending June 30, 2010 and July 30, 2010 – Lori Rangel Pompa.

Caldwell County Treasurer Lori Rangel Pompa presented her reports. Motion made by Commissioner Roland, seconded by Commissioner Madrigal, to approve the Bank Reconciliation Reports for the months ending June 30, 2010 and July 30, 2010. Motion carried unanimously.

#### B. Texas Agrilife Extension Service Report for the month of August 2010 – Jeff Watts and Carissa Wilhelm.

Texas Agrilife Extension Service Agents Jeff Watts and Carissa Wilhelm presented their reports. Motion made by Commissioner Bullock, seconded by Commissioner Madrigal, to approve the Texas Agrilife Extension Service Reports for the month of August 2010. Motion carried unanimously.

#### C. Caldwell County Tax Collection Report for August 2010 – Judge Duesterheft.

The Caldwell County Tax Collection Report was reviewed. Motion made by Commissioner Roland, seconded by Commissioner Bullock, to approve the Caldwell County Tax Collection Report for August 2010. Motion carried unanimously.

#### D. Environmental Control Operator report for the August 2010 – Michael Bittner.

Environmental Control Officer Mike Bittner presented his report. Motion made by Commissioner Madrigal, seconded by Commissioner Bullock, to approve the Environmental Control Officers Report for the month of August 2010. Motion carried unanimously.

#### E. Maintenance Report for the month of August 2010 Curtis Weber.

Maintenance Director Curtis Weber presented his report. Motion made by Commissioner Roland, seconded by Commissioner Madrigal, to approve the Maintenance Report for the month of August 2010. Motion carried unanimously.

#### F. Indigent Health Care and Indigent Burial Reports for the month of August 2010.

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Indigent Health Care Coordinator Rhoda Chavira presented the Indigent Health Care and the Indigent Burial Reports for the month of August 2010. Motion made by Commissioner Madrigal, seconded by Commissioner Bullock, to approve both the Indigent Health Care Report and the Indigent Burial Report for the month of August 2010. Motion carried unanimously.

**A-4**

**Discussion/Action concerning Caldwell County Indigent Health Care eligibility and service standards criteria – Rhoda Chavira.**

Indigent Health Coordinator Rhoda Chavira read the Caldwell County Indigent Health Care eligibility and service standards criteria. Motion made by Commissioner Roland, seconded by Commissioner Madrigal, to approve the guidelines presented for the Caldwell County Indigent Health Care eligibility and service standards criteria.

**A-5**

**Discussion/Action to consider Outdoor Burning Ban for Caldwell County – Judge Duesterheft**

Motion made by Commissioner Roland, seconded by Commissioner Madrigal, to leave the Outdoor Burning Ban off for Caldwell County. Motion carried unanimously.

**A-8**

**Discussion/Action to approve a resolution to grant Combined Community Action \$1300 to be used between the 1<sup>st</sup> of February, 2010 and the 31<sup>st</sup> of January 2011 – Judge Duesterheft.**

Motion made by Commissioner Madrigal, seconded by Commissioner Bullock, to approve the Resolution to grant Combined Community Action \$1300 to be used between the 1<sup>st</sup> of February, 2010 and the 31<sup>st</sup> of January, 2011. Motion carried unanimously. This will help fund the Meals on Wheels program and will be part of the non profit organization funding in the Caldwell County 2010/2011 budget.

**A-9**

**Discussion/Action to approve Resolution No. 15-2010 to enter into an Interlocal Agreement with the City of Niederwald for maintenance of a portion of Schuelke Road – Commissioner Madrigal.**

Motion made by Commissioner Madrigal, seconded by Commissioner Roland, to approve the Interlocal Agreement with the City of Niederwald for the maintenance of a portion of Schuelke Road. Motion carried unanimously.

**A-10**

**Discussion/Action concerning a Proclamation setting October 4-8, 2010 as “Lawsuit Abuse Awareness Week” – Judge Duesterheft.**

Motion made by Commissioner Madrigal, seconded by Commissioner Roland, to approve the Proclamation setting October 4-8, 2010 as “Lawsuit Abuse Awareness Week.” Motion carried unanimously.

**A-11**

**Discussion/Action to approve resolution No. 16-2010 to apply for the Indigent Defense Grant and to appoint County Judge as the designated Program Director, contact person and the County Auditor as the Financial Officer for the grant – Judge Duestereheft.**

Motion made by Commissioner Bullock, seconded by Commissioner Roland, to approve the Resolution No. 16-2010 to apply for the Indigent Defense Grant and to appoint County Judge as the designated Program Director, Contact Person and the County Auditor as the Financial Officer for the grant. Motion carried unanimously.

**A-20**

**Discussion/Action to approve a Proclamation to designate the Week of October 4-9, 2010 as 4-H Week/Judge Duesterheft/Carissa Wilhelm.**

Motion made by Commissioner Madrigal, seconded by Commissioner Bullock, to approve the Proclamation to designate the Week of October 4-9, 2010 as 4-H Week. Motion carried unanimously.

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## A-13

**Discussion/Action to approve a new 5 year agreement for mutual aid for fire protection between the following entities jointly and individually: Mid County Volunteer Fire Department, Southeast Caldwell County Volunteer Fire Department, Tri-Community Volunteer Fire Department, Martindale Volunteer Fire Department, McMahan Volunteer Fire Department, Dale Volunteer Fire Department, Delhi Volunteer Fire Department, Caldwell Hays Emergency Services District No. 1 (and Chisholm Trail Fire Rescue), and Caldwell County Emergency Services District No 2 (Maxwell Volunteer Fire Department) – Judge Duesterheft.**

Motion made by County Judge Duesterheft, seconded by Commissioner Roland, to table this item A-13 to get a ruling on one paragraph concerning personal liability. Motion carried unanimously.

## A-14

**Discussion/Action to approve Rural Fire Protection Service Contract between Caldwell County and all the incorporated Volunteer Fire Department – Judge Duesterheft.**

This Rural Fire Protection Service Contract between Caldwell County and all the incorporated Volunteer Fire Departments was considered and discussed. Motion made by County Judge Duesterheft, seconded by Commissioner Madrigal, to approve the Rural Fire Protection Service Contract between Caldwell County and all the incorporated Volunteer Fire Departments and forward the Contract to the rural fire departments for their approval. Motion carried unanimously.

## A-15

**Discussion/Action concerning a variance request to divide 2.773 acres out of 32.773 acres located on St. Johns Road (CR 169) – Commissioner Joe Roland/Cynthia Caka.**

Property owner Cynthia Caka and her real estate agent Gordon Withers were present to explain this variance request. The 32.773 acres have been on the market for sale for a while. Ms. Caka hopes to sell either the house on 2.773 acres or the rest of the 30 acres by this division. The concensus of Commissioners Court is that the variance can be approved when Ms. Caka brings back the survey of the 2.773 acres where the house is located. Ms. Caka was hoping to get a contract on the property before the survey because a prospective purchaser of the house may want more than the 2.773 acres. Ms. Caka was told that Commissioners Court would hold off action on this variance request until a buyer was found and the amount of acreage in the division of this property was known so a survey could be obtained for presentation to Commissioners Court. No action taken.

## A-16

**Information on Overtime Hours for Caldwell County for the month of August 2010 895.77 – Judge Duesterheft.**

Overtime Hours for Caldwell County for the month of August 2010 were examined.

## A-17

**Discussion/Action to approve preliminary plan for the proposed Cottage Creek Subdivision located on Plant Road – Commissioner Bullock/Kasi Miles.**

Motion made by Commissioner Bullock, seconded by Commissioner Madrigal, to approve the preliminary plan for the proposed Cottage Creek Subdivision located on Plant Road with the changes proposed by Mr. Charles Scheler. Motion carried unanimously.

## A-18

**Discussion/Action regarding a correction on Resolution No. 14-2010 authorizing the preparation and submission of a 2011/2012 (PY) Texas Community Development Block Grant (TXCDBG) Application to the Texas Department of Rural Affairs (TDRA) for funding under the Texas Community Development Block Grant Program (TXCDBG) – Judge Duesterheft/Philip Ruiz.**

Motion made by Commissioner Roland, seconded by Commissioner Madrigal, to approve the amendment to this Resolution No. 14-2010 authorizing the preparation and submission of a 2011/2012 (PH) Texas Community Development Block Grant (TXCDBG) Application to the Texas Department of Rural Affairs (TDRA) for funding

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under the Texas Community Development Block Grant Program (TXCDBG) with the correct amount of \$27,500 instead of \$27,000. Motion carried unanimously.

**A-19**

**Discussion/Action to approve a Proclamation declaring Tuesday, October 6, 2010 as "National Night Out" in Caldwell County – Judge Duesterheft.**

Sheriff Deputy Paul Cowan presented plans for the National Night Out to be held Tuesday, October 5, 2010.

Motion made by Commissioner Roland, seconded by Commissioner Madrigal, to approve the Proclamation Declaring Tuesday, October 5, 2010 as "National Night Out" in Caldwell County. Motion carried unanimously.

**A-6**

**Discussion/Action to adopt the proposed 2010/2011 budget of Caldwell County – Judge Duesterheft/Sonny Rougeou.**

Motion made by Judge Duesterheft, seconded by Commissioner Madrigal, to ratify the tax rate of .6910 as reflected in the Caldwell County proposed budget of 2010/2011. Motion carried unanimously.

Motion made by Judge Duesterheft, seconded by Commissioner Madrigal, to adopt the Caldwell County budget for 2010/2011 as presented. Motion carried unanimously.

**A-7**

**Discussion/Action to adopt proposed tax rate FY 2010-2011 for Caldwell County – Judge Duesterheft/Sonny Rougeou.**

Motion made by Commissioner Madrigal, seconded by Commissioner Roland, to adopt the tax rate of .6910 for 2010/2011. Motion carried unanimously.

**A-22**

**Pay Bills.**

Motion made by Commissioner Roland, seconded by Commissioner Madrigal, to approve bills totaling \$408,064.04. Motion carried unanimously.

**A-12**

**Budget Workshop.**

No budget workshop was held.

Commissioners Court recessed the Regular meeting to take a short break and go into Executive Session at 10:15 A.M..

**A-21**

**Executive Session: The Commissioners Court will take up for Discussion and possible action regarding Katharina Harper v. Caldwell County; Cause Number 1:10-CV-00631 in the United States District Court for the Western District of Texas, Austin Division. The Court may consider the matter in closed session pursuant to the Texas Government Code Title 5, Subchapter D, Section 551.071 i.e. Consultation with Attorney regarding pending litigation.**

**Executive Session: 551.072 to deliberate the purchase, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.**

**Discussion/Action resulting from the Executive meeting regarding litigation matters.**

No action taken.

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**Adjourn.**

The meeting was ordered adjourned.



Ronnie Dueterheft, County Judge